

REMARKS

Claims 31-48 and 52-56 are pending in the application. Claims 31-48 and 52-56 stand rejected. Applicants herein amend claims 31, 32, 37, 38, 39, 44, 45, 46, 52, 54 and 55. Claims 36 and 43 have been cancelled.

Requests have been made to both Examiner Graham and Supervisor Dixon to restart the reply period since Applicants have specifically requested an interview before issuance of further action on 3/16/2009. Unfortunately, requests to grant issuance of a replacement/supplemental office action that will restart the reply period has been denied.

I. Telephonic Interview 9/8/2009

Applicants thank the Examiner for granting an interview conducted *via* telephone on September 8, 2009. Unfortunately, Supervisor Dixon has declined to join the interview. Applicants appreciate the Examiner's discussion of the claimed subject matter's recitations: "*a receipt card*," "*a receipt card account*" and "*wherein a receipt card account associated with the first receipt card account number is not a payment account*." The Examiner agrees that the amendments sufficiently overcome Burger and Makipaa. Additionally, as noted above, a request to restart the reply period was also discussed. This request has been denied.

II. Rejection of Claims Under 35 U.S.C. § 103

Claims 31-48 and 52-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MaKipaa *et. al.* US 6,394,341 ("MaKipaa") in view of Burger *et. al.* US 7,003,495 ("Burger").

In response to Applicants' previous arguments that the combination of MaKippa and Hoffman *et. al.* fails to teach the claim element: *each receipt associated with a receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a receipt card account number*, the Examiner cites to a new reference, Burger. Page 2-3 of the Office Action states in part:

MaKipaa fail to explicitly teach receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account number.

However Burger discloses similarly, any suitable memory device that permits a only single write operation to take place may be employed as the write-once memory...Other examples of media or information that may be stored in the memory include: ... receipt information, photographs, etc.

Additionally, on pages 12-13 of the Office Action, the Examiner reiterated identical assertions of Burger (as stated on page 3) as a response to Applicants' previous arguments. Applicants respectfully disagree with the Examiner's arguments. Burger also fails to make up for the deficiency of Makippa. Particularly, Burger fails to discuss "a receipt card," "a receipt card account number," and "each receipt is associated with a receipt card account number and a receipt card..." as recited in claim 31.

In order to further clarify that each receipt is associated with a receipt card account number and a receipt card, Applicants amended claim 31 to include the phrase:

wherein each receipt is associated with: a receipt card account number, and a receipt card that identifies an electronic address of the database and information that identifies the receipt card account number,

Additionally, as discussed in the telephonic interview, the phrase "wherein the receipt card account number associated with a receipt card account is not a payment account" has been added to illustrates that a receipt card account associated with the receipt card account number is not the payment account. As described in one embodiment in the specification, for example, "the receipt cardholder chooses some acceptable medium for payment such as cash, credit card or check and present the receipt card along with payment to the cashier..." (Specification, bottom of pg 35). Thus, a receipt card account is not the payment account since a cardholder have to provide a form of payment in addition to the receipt card.

Burger relates to "a new method and system for producing, distributing, storing, and using the typical contents of an individual's wallet... Essentially, the system may enable individuals to replace nearly all of the paper and plastic contents of their wallets with a single, hand-held portable electronic authorization device. The system may include the portable electronic authorization devices, removable morphing tokens associated with such devices..." (Column 7, line 22-34). This device is otherwise described in Burger as "the Pocket Vaults or Chameleon Cards." While Burger describes a portable device that could

essentially replace cash or credit cards when conducting financial transactions, Burger is silent in regards to “*a receipt card*,” “*a receipt card account*” and most importantly that “*each receipt is associated with: a receipt card account number, and a receipt card...*” Burger simply states that “receipt information” could be stored in the memory portion of the device, but does not discuss whether there is a relationship between receipts, a receipt card account and a receipt card. (Column 15, line 50-52). Thus, Burger fails to teach or suggest the aforementioned features of claim 31.

Moreover, the “*the receipt card account number associated with a receipt card account*” is further distinguished in claim 31 as “*not a payment account*.” As a result, accounts used for payment transactions (such as a credit or debt account) cannot be interpreted as “*a receipt card account*.” Burger fails to discuss non-payment type accounts. Thus, Applicants submit that Burger does not meet this further feature of claim 31.

Independent claims 38, 45, 52, and 55 contain limitations similar to those recited in claim 31. Consequently, Applicants submit that they also patentably define over Makippa and Burger for at least the reasons set forth above. Each of claims 32- 37, 39-44, 46-48, 52-54 and 56 depend directly or in directly from independent claims 31, 38, 45, 52, and 55, respectively, and are believed allowable for the same reasons.

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PATENT

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

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